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REMARKS

Claims 12-15, 17-19, and 21-29 were previously pending in this application.

Claims 21, 24-26 and 29 are cancelled, without prejudice or disclaimer.

Claims 12-15, 17-19, 22, 23, 27, and 28 are currently amended.

Claims 30-33 are newly added.

As a result, claims 12-15, 17-19, 22, 23, 27, 28, and 30-33 are pending for examination with claims 12, 30, and 31 being independent claims.

Telephonic Conference with Examiner

Applicants thank Examiner Cintins for the courtesy of a telephonic conference on January 12, 2004 regarding the Office Action dated December 23, 2003. During the telephonic conference, Applicants requested clarification of the Examiner's requirement under 37 CFR § 1.78(c) as well as the provisional double patenting rejection over co-pending U.S. Patent Application Serial no. 10/001,543 (the '543 application). Applicants noted that the '543 application is to be abandoned and therefore the requirement and provisional rejection would be rendered moot. The Examiner agreed and requested a showing of abandonment. Accordingly, Applicants have enclosed a copy of a Request for Express Abandonment under 37 CFR § 1.138 of the '543 application.

Provisional Double Patenting Rejection

Claims 12-15, 17-19, and 21-29 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 12-14, 17-19, 21, and 22 of the '543 application, in view of the teaching of Tagashira *et al.* in U.S. Patent No. 4,070,281 (Tagashira *et al.*).

Applicants disagree that claims 12-15, 17-19, and 21-29 would have been obvious over claims 12-14, 17-19, 21, and 22 of the '543 application, in view of the teaching of Tagashira *et al.* Applicants also disagree that the Response filed on September 15, 2003 failed to properly respond to the provisional double patenting rejection. The rejection was provisional and would have matured only if the '543 application issued as a patent. Thus, no response was necessary until such case.

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Applicants note that the '543 application has become abandoned, as mentioned above. Therefore, the provisional rejection has been rendered moot.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the provisional double patenting rejection.

Requirement under 37 CFR § 1.78(c)

Claims 12-15, 17-19, and 21-29 appear to be rejected under 35 U.S.C. § 103(a) as being unpatentable over claims 12-14, 17-19, 21, and 22 of the '543 application, in view of the teaching of Tagashira *et al.* Consequently, a showing that the conflicting inventions were commonly owned at the time of the invention or to name the prior inventor of the conflicting subject matter was required.

Applicants respectfully disagree that claims 12-15, 17-19, and 21-29 would have been obvious over claims 12-14, 17-19, 21, and 22 of the '543 application, in view of the teaching of Tagashira *et al.*

Applicants also disagree that the Response filed on September 15, 2003 failed to properly respond to the requirement. In the Response, Applicants noted that the present application is a divisional application of U.S. Patent Application Serial No. 09/113,982 filed on July 10, 1998 (now U.S. Patent No. 6,346,195). Applicants then noted that the '543 application is a divisional application of U.S. Patent Application Serial No. 09/113,981, also filed on July 10, 1998 (now U.S. Patent No. 6,315,906). Thus, the cited application is not available as a prior art reference under 35 U.S.C. § 102. Therefore, the requirement is rendered moot because the '543 application is unavailable as a prior art reference for any rejection under 35 U.S.C. § 103(a).

Nonetheless, the '543 application has been abandoned, as noted above. Thus, the requirement under 37 CFR § 1.78(c) has been rendered moot.

Accordingly, Applicants respectfully request reconsideration of the requirement as well as any rejection under 35 U.S.C. § 103(a) over claims 12-14, 17-19, 21, and 22 of the '543 application and that the '543 application can provide the basis for a rejection under 35 U.S.C. § 103(a).

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CONCLUSION

In view of the foregoing Amendments and Remarks as well as those in the Response filed September 15, 2003, which are incorporated herein, this application is in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes that the application is not in condition for allowance, the Examiner is requested to call Applicants' attorney at the telephone number listed below.

If this Response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this Response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/0214.

Respectfully submitted,
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Docket No. C1069.700941
Date: January 23, 2004
x1/23/04